

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID J. HOFFMAN,

Defendant.

8:10CR264

ORDER

Defendant David J. Hoffman (Hoffman) appeared before the court on June 22, 2012, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 107). Hoffman was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Douglas R. Semisch. Through his counsel, Hoffman waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Hoffman should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention. Hoffman requested a hearing which was held immediately. Hoffman proffered through counsel he would abide by the conditions of release, obtain employment, and obtain a substance abuse evaluation. Since it is Hoffman's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Hoffman has failed to carry his burden and that Hoffman should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at a time to be determined by the court.** The defendant must be present in person.

2. Defendant David J. Hoffman is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 22nd day of June, 2012.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge